

Application No. 10/655,566

REMARKS

Claims 1-23 are pending. By this Amendment, the specification has been amended to correct the section headings, claims 1, 5, 7-9, 11, 14-16, 19, 20 and 21 are amended and claim 18 is cancelled. Support for these amendments can be found in the application as filed at page 5, line 6 – page 7, line 1 – page 7, line 14 – page 8, line 7, – Figs. 1, 4-9 and 11 as well as the claims as originally filed. No new matter is added by way of the present amendments.

Oath/Declaration

In the Office Action mailed September 16, 2005, the oath/declaration was found to be defective as listing an incorrect provisional application number. In response, Applicant submits the attached Application Data Sheet to remedy this error.

Specification

In the Office Action mailed September 16, 2005, the disclosure was objected to for specified informalities in the section headings. By this amendment, Applicant has corrected the informalities and respectfully requests said objection be withdrawn.

Claim Rejection – 35 USC § 102

In the Office Action mailed September 16, 2005, claims 1-7, 10-14, 17 and 18 were rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent Publication No. 2002/0017411 to Weiss et al. In response, Applicant has amended independent claims 1, 11 and 19 as well as dependent claims 5, 7-9, 14-16, 20 and 21 to further clarify the claimed invention.

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More specifically, Applicant has amended claims 1, 11 and 19 to clarify the present invention as comprising isolated mounting and storage spaces. Furthermore, claims 1 and 11 have been amended to clarify that a drive motor and steering motor (claim 1) or a thrust means and drive means (claim 11) are accessibly mounted in the mounting space. In addition, dependent claims 7-9, 15, 16, 20 and 21 have been amended to describe the isolation between the mounting and storage spaces while claims 5 and 14 have been amended to further clarify the drive/thrust assemblies.

"For a prior art reference to anticipate in terms of 35 U.S.C. § 102, every element of the claimed invention must be identically shown in a single reference. These elements must be arranged as in the claim under review, but this is not an 'ipsissimis verbis' test." In re Bond, 15 U.S.P.Q. 2d 1566, 1567 (Fed. Cir, 1990)(Internal citations omitted.). "Every element of the claimed invention must be literally present, arranged as in the claim. The identical invention must be shown in as complete detail as is contained in the patent claim." Richardson v. U.S. Suzuki Motor Corp., 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir, 1989) (Internal citations omitted.); see also MPEP § 2131. "Here, as well, anticipation is not shown by a prior art disclosure which is only 'substantially the same' as the claimed invention." Jamesbury Corp. v. Litton Industrial Products, Inc., 225 U.S.P.Q. 253, 256 (Fed. Cir. 1985).

As stated in the Office Action mailed September 16, 2005, Weiss et al. fails to disclose a separate compartment for the drive and steering mechanisms. Thus, Weiss, et al. does not disclose all of the features of Applicants' claimed invention, and does not anticipate independent claims 1, 11 and 19 and an action acknowledging the same is respectfully requested. While Applicant does not acquiesce with respect to specific comments directed against the dependent

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claims, Applicant does not comment further on these issues presently since they are moot in view of the above comments.

Claim Rejections – 35 USC § 103

In the Office Action mailed September 16, 2005, claims 8, 9, 15, 16 and 19-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Weiss et al. in view of U.S. Patent No. 5,329,787 to Friday. As previously discussed, Applicant has amended independent claims 1, 11 and 19 as well as dependent claims 5, 7-9, 14-16, 20 and 21 to further clarify the claimed invention.

Prima facie obviousness is not established if all the elements of the rejected claim are not disclosed or suggested in the cited art. In re Ochiai, 37 USPQ 1127, 1131 (Fed. Cir. 1995). ("The test for obviousness *vel non* is statutory. It requires that one compare the claims' 'subject matter as a whole' with the prior art 'to which said subject matter pertains.'"). See also, MPEP 2143.03 "All Claim Limitations Must Be Taught or Suggested," citing In re Royka, 180 USPQ 580 (CCPA 1974). "To establish *prima facie* obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art." MPEP 2143.03.

As discussed previously, Weiss et al. fails to disclose a separate compartment for the drive and steering mechanisms. Friday discloses a combination food and beverage cooler having an upper food compartment 20 and a beverage compartment 21. (Col. 4, lines 26-40, Figures 3, 4, and 5). Friday lacks any disclosure relative to isolating a storage space from a component mounting space, wherein drive/thrust and steering components are accessibly mounted to (claims 1 and 11) or included (claim 19) in the isolated mounting space. Instead, Friday discloses a tap

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dispenser 16 for draining or filling the beverage compartment 21 (Col. 5, lines 30-46) but lacks any disclosure relative to mounting drive/thrust and steering components or providing access for mounting such components. As neither Weiss et al. nor Friday, considered individually or in combination, teach or suggest isolating a storage space from a component mounting space, wherein drive/thrust and steering components are accessibly mounted to or included in the isolated mounting space, the combination of Weiss et al. and Friday can not render independent claims 1, 11 and 19 as *prima facie* obvious and an action acknowledging the same is respectfully requested. While Applicant does not acquiesce with respect to specific comments directed against the dependent claims, Applicant does not comment further on these issues presently since they are moot in view of the above comments.

In the Office Action mailed September 16, 2005, claim 23 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Weiss et al. in view of Friday as applied to claims 8, 9, and 19-22, and further in view of U.S. Patent No. 4,964,265 to Young. As previously discussed, Applicant has amended independent claims 1, 11 and 19 as well as dependent claims 5, 7-9, 14-16, 20 and 21 to further clarify the claimed invention.

As discussed previously, neither Weiss et al. nor Friday disclose a separate compartment for the drive and steering mechanisms as presently claimed in amended independent claims 1, 11 and 19. Young discloses a remote control lawnmower but similarly fails to teach or suggest isolated storage and mounting compartments. As such, Young fails to cure the aforementioned deficiencies of Weiss et al. and Friday, thus the combination of Weiss et al., Friday and Young can not render independent claims 1, 11 and 19 as *prima facie* obvious and an action acknowledging the same is respectfully requested. While Applicant does not acquiesce with

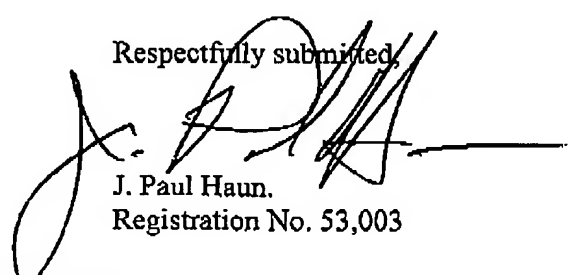
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respect to specific comments directed against the dependent claims, Applicant does not comment further on these issues presently since they are moot in view of the above comments.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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